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No. 82-1756

In The

# Supreme Court of the United States

October Term, 1982

ODRIC BAKER, PETER G. LARSON, GORDON C. THAYER, FRANK THAYER, RICK ST. GERMAINE, BRUCE TAYLOR, and JAMES H. SCHLENDER, individually and as members of the Lac Courte Oreilles Tribal Governing Board,

*Petitioners,*

vs.

STATE OF WISCONSIN,

*Respondent.*

## PETITIONER'S REPLY BRIEF

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## ARGUMENT

### THIS CASE PRESENTS ISSUES OF GENERAL IMPORTANCE TO INDIANS NATIONWIDE.

The State alleges that the issues resolved in this case below "turn on the special history of a single Indian reservation and present no question of general importance requiring this Court's intervention." [1] (Br. p. 5). The amicus brief filed in this case demonstrates the vital interest other tribes in Wisconsin have in this case. Furthermore, a brief survey reveals that of the thirty states with Indian reservations within their borders, over one-half have reservations created after statehood.

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1/ The State's assertion of any theoretical right to regulate tribal member hunting, fishing, or ricing activities is not supported by any holding in the courts below. (Br. p. 6).

Source: House Report No. 2503, 82d Congress, December 15, 1952. Thus, the issues in this case have potentially far-reaching consequences.

Also, there is presently pending before this Court a petition for a writ of certiorari in the case of Washington State Department of Game v. United States, No. 82-1507. That case presents common issues of Indian treaty fishing rights in a lake within reservation boundaries and the corresponding lack of a non-Indian right to those fish resources. This is an issue of great importance despite the State's attempt to downplay it.

## CONCLUSION

This Court should grant certiorari and review the decision of the Seventh Circuit Court of Appeals in this matter.

Respectfully submitted,

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